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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,325	02/07/2002	Masato Yoshikawa	G0126.0003/0US0	4581

7590 08/23/2006

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EXAMINER	
AILES, BENJAMIN A	

ART UNIT	PAPER NUMBER
2142	

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 10/067,325	**Applicant(s)** YOSHIKAWA, MASATO	
	Examiner Benjamin A. Ailes	**Art Unit** 2142	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 04 August 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: *1,2,4-9 and 11-17*.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments are not deemed persuasive. Art rejections set forth in the final office action mailed 07 June 2006 are being maintained. Examiner's response to filed prior art arguments: Applicant argues in the REMARKS filed 04 August 2006 that Chernock (US 6,314,569) does not teach "the synchronizing information script shows when the network data are displayed and allows identification of web contents related to points in the image source." Examiner does not agree. Chernock teaches in column 4, lines 10-25 and lines 56-66 the use of providing information regarding when multimedia should be displayed and at what points (beginning and ending times) in order to synchronize multimedia correctly. Applicant further argues that Chernock fails to meet all three of claim limitation requirements, the three requirements being: the recited synchronizing information script: 1) is generated with the feature file; 2) shows when the network data are displayed; and 3) allows identification of web contents related to points in the image source. Examiner does not agree. Chernock teaches the recited information script wherein 1)"generated with the feature file" is taught by Chernock teaching the use of providing the necessary information in order to allow proper synchronization, 2) "shows when the network data are displayed" is taught by Chernock wherein the information is provided showing when multimedia should be displayed, and 3) "allows identification of web contents related to points in the image source" is taught by Chernock wherein the multimedia being displayed is identified and also at what points (beginning and ending times) the multimedia should be displayed. See column 4, lines 10-25 and lines 55-66 of Chernock. Applicant further argues that there is no teaching or suggestion in Chernock of the recited synchronization script that 1) is generated with the feature file, 2) shows when the network data are displayed, and 3) allows identification of web contents related to points in the image source. Examiner does not agree for the same reasons as stated above. In view of the final rejection, the examiner has given patentable weight to each and every claim limitation showing the test of "identity of structure". In view of the above, the prima facie case of anticipation has been set forth in connection with claim 1. Independent claims 8 and 15-17 recite a substantially similar feature and are not patentable for similar reasons. The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore not patentable for the same reasons. In view of the above, the current claims as written are not deemed patentable over the prior art of record.

BEATRIZ PRIETO
PRIMARY EXAMINER